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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,505	10/29/2007	Kiyoshi Hirasawa	04208.0241	4575
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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413				
			EXAMINER EDWARDS, ANTHONY Q	
			ART UNIT 2835	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/584,505

Applicant(s)

HIRASAWA ET AL.

Examiner

ANTHONY Q. EDWARDS

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 14-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2006 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CIS-8)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claim 21 is objected to because of the following informalities: the claim recites the limitation "said locking means" in line 2, but there is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5, 14 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent Application Laid-open No. 2002-222026 to Osamu (*cited by applicant*). Referring to claim 1, Osamu discloses a portable electronic apparatus (see Fig. 1A) comprising a main unit (12), a lid section (16) fitted with a display unit (17) for covering said main unit, and an arm section pivoted rotatably at one end thereof in a rear end portion (13) of said main unit for supporting said lid section rotatably and adjustably in height position. See Figs. 1-3.

Referring to claim 2, Osamu discloses the device as claimed, wherein said arm section is telescopic. See Fig. 5.

Referring to claim 4, Osamu discloses the device as claimed, wherein said arm section has a clearance (i.e., at hinge 13) for, when said lid covers said main unit, inherently allowing the both to be parallel to each other. See Figs. 1A and 1B.

Referring to claim 5, Osamu discloses the device as claimed, wherein said arm section includes a slide mechanism (20/21) and a one-way brake mechanism (24) that provides a small resistance in the extension direction of the arm section (via spring 22) and a brake force in the retraction direction thereof (via opening 28). See Figs. 5 and 6.

Referring to claim 14, Osamu discloses the device as claimed, wherein said arm section (14) is pivoted rotatably at the other end (15) thereof through a slide mechanism slidably provided in the rear portion of said lid section. See Fig. 3.

Referring to claim 20, Osamu discloses the device as claimed, wherein said lid section (16) has a pocket (14b) of a substantially rectangular shape formed in the rear portion, and said arm section (14a) can be received in the pocket. See Fig. 1B.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osamu (***cited by applicant***). Referring to claims 3 and 15, Osamu discloses the device as substantially claimed, except for said main unit is provided with, in an upper portion on a front end side thereof, locking means for locking a lower edge portion of said lid section. Osamu does teach; however, locking means (18) for locking a lower edge portion of said lid (16) section. The locking means is provided on said lid, as opposed to on said main unit. See Fig. 3.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the locking means on the main unit, instead of on the lid, since it has been held that rearranging parts of an invention involves only routine skill in the art. See *In re Japikse*, 86 USPQ 70.

Referring to claim 16, Osamu as modified discloses the device as claimed, wherein said arm section has a clearance (i.e., at hinge 13) for, when said lid covers said main unit, inherently allowing the both to be parallel to each other. See Figs. 1A and 1B.

Referring to claim 17, Osamu as modified discloses the device as claimed, wherein said slide mechanism (see Fig. 5) includes a pair of guide rails (20/21) provided in the rear portion of said lid section (14) and a pair of sliders (26/27) which slide along the pair of guide rails respectively, and further includes a holding means (24/25) for holding the slider at a predetermined position.

Referring to claim 18, Osamu as modified discloses the device as claimed, wherein said holding means includes dimples 28/29) formed at predetermined intervals in at least one of said pair of guide rails (20/21) and a detent (24/25) provided in said slider. See Figs. 5 and 6. Although a detent ball is not specifically disclosed, Osamu does teach a detent protrusion. It has been held, however, that a change in shape is a matter of design choice which a person of ordinary skill in the art would have found obvious, absence persuasive evidence that the particular configuration was patentably significant. See *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osamu (**cited by applicant**) in view of U.S. Patent No. 5,924,780 to Ammon et al. Referring to claim 6, Osamu discloses the device as substantially claimed, except for the arm section contains a cable for connecting said main unit and said display unit, and has a winding mechanism for the cable.

However, providing cable(s) with winding mechanisms to lift and lower an element in electronic devices are common in the art of electronic device design. For example, Ammon discloses sliding or lifting a door assembly for a computer housing (see Figs. 1 and 2), wherein a cable (85) is provided for connecting a main housing (2) to a lifting door (3), and has a winding mechanism (84) for the cable. See Figs. 8 and the corresponding specification.

It would have been obvious to one skilled in the art of laptop computer design to provide a cable to connect the main unit and display unit of Osamu, as taught by Ammon, to provide assisted elevation of the display in relation to the main unit. All of the claimed elements were known in the prior art and one skilled in the art could have substituted the elements as claimed by known methods with no change in their respective functions, and the substitution would have yielded predictable results to one of ordinary skill in the art at the time of the invention. See *KSR International Co. v. Teleflex Inc.* (KSR), 550 U.S. ___, 82 USPQ2d 1385 (2007). The use of a winding cable to connect the main unit and the display unit would provide assisted lifting of display, while also dampening the closing action of the device.

Referring to claim 7, Osamu in view Ammon disclose the device as claimed, wherein said arm section (14) comprises a first arm section (14b) on the main unit side and a second arm section (14a) on said lid section side, said slide mechanism (see Fig. 8 of Ammon) includes a rack (42), which is attached to one of either the first arm section or the second arm section, and a pinion (72/88), which is rotatably attached to the other of either the first arm section or the second arm section so as to mesh with the rack, and the one-way brake mechanism (86), which provides a small resistance in the extension direction of said arm section and a brake force in the retraction direction thereof, is driven by the pinion (88). See Fig. 8 and col. 5, line 53 through col. 6, line 25 of Ammon.

Referring to claim 8, Osamu in view Ammon disclose the device as claimed, wherein the winding mechanism (84) of said cable is driven by said pinion (88). See Fig. 8 and col. 5, line 63 through col. 6, line 4 of Ammon.

Claims 10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osamu in view of U.S. Patent No. 7,170,534 to Son et al. Osamu discloses the device as substantially claimed, except for further comprising a changeover switch, which functions when the lower edge portion of said lid section is locked by said locking means.

However, automatically controlling a display using a changeover switch is common in the art of electronic device design. For example, Son discloses a changeover switch for a computer display (see Figs. 3 and 11-13), wherein the switch

provides adjustment of an image automatically, based on how the computed screen is positioned.

It would have been obvious to one skilled in the art of laptop computer design to provide a changeover switch for the display unit of Osamu, as taught by Son, to provide an image controlling switch or signal when the display is oriented differently. All of the claimed elements were known in the prior art and one skilled in the art could have substituted the elements as claimed by known methods with no change in their respective functions, and the substitution would have yielded predictable results to one of ordinary skill in the art at the time of the invention. See *KSR International Co. v. Teleflex Inc.* (KSR), 550 U.S. ___, 82 USPQ2d 1385 (2007).

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Osamu in view of U.S. Patent No. 7306,282 to Salzer et al. Osamu discloses the device as claimed, including a locking means (18) comprised of a locking bracket being rotatable within a predetermined angle (see Figs. 3 and 4), in slots (not numbered) formed at both sides an upper portion on the lid. Osamu does not teach the bracket having a ball socket at a tip end thereof and a detent ball provided in the slots to engage with the ball socket.

Salzer discloses locking means (see Figs. 4a and 4b) for a table, the locking means including a ball socket (40) and a detent ball (40) provided in the socket to engage with a ball slot (38) to lock the table in place.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the locking bracket of Osamu to include a ball socket and

a detent ball provided in the socket to engage with a ball slot, since the device of Salzer would provide a stable means for stabilizing display while the same is in the extended position with respect to the main unit.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Osamu in view of Ammon, and further in view of U.S. Patent No. 6,381,125 to Mizoguchi et al. Osamu as modified discloses the device as substantially claimed, except for the slide mechanism is driven by an electric motor.

Mizoguchi discloses personal computer having a slide mechanism (74) driven by a motor (73M). See Fig. 8 and the corresponding specification. It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the device of Osamu to include a motorized slide mechanism, as taught by Mizoguchi, since the device of Mizoguchi would provide additional assistance in raising and lowering the display without fear of the display going up or down too swiftly and inadvertently damaging the device.

Allowable Subject Matter

Claims 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: referring to claim 11, the specific limitation of the lid section including a substantially rectangular shaped pocket formed in the rear portion, and said telescopic arm section includes the first arm section on said main unit side and a second arm section on said lid section side, the first arm section can be

accommodated in the second arm section in a nested manner, and the second arm section can be accommodated by the pocket, in combination with the remaining elements, is not taught or adequately suggested in the prior art. Claims 12 and 13 depend, either directly or indirectly, from claim 11 and are therefore allowable for at least the same reasons.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY Q. EDWARDS whose telephone number is (571)272-2042. The examiner can normally be reached on M-F (8:00-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayprakash N. Gandhi can be reached on 571-272-3740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. Q. E./
Examiner, Art Unit 2835

December 1, 2009

/Jayprakash N Gandhi/
Supervisory Patent Examiner, Art Unit 2835

